

REMARKS

In the April 7, 2006 Non-Final Office Action, claims 37-39, 41-46, 58, and 62-69 were rejected to by the Examiner. Claims 40 and 46 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. This Amendment and Reply is intended to be completely responsive to the Non-Final Office Action.

The Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 37-39, 41-45, 58, 62-77 are now pending in this application.

1. Status of the Claims

Claims 37, 58, 62, and 66 are currently being amended.

Claims 33-36, 40, 47-57, and 59-61 are requested to be cancelled without prejudice to further prosecution on the merits.

Claims 70-77 are being added.

Claims 37-39, 41-46, 58, 62-77 remain pending in the present application.

2. Election/Restrictions

On page 2 of the Office Action, the Examiner acknowledges the Applicants' election of Group II (claims 37-46, 58, and 62-69) and the species drawn to either a method for monitoring a well operation or a system for monitoring a well operation, and further states that because the Applicants did not distinctly and specifically point out the supposed errors in the Restriction Requirement, the election has been treated as an election without traverse. The Examiner further acknowledges the Applicants' withdrawal of claims 33-36, 47-57, and 59-61 from further consideration pursuant to 37 C.F.R. § 1.142(b) as being drawn to a nonelected invention and/or species, there being no allowable generic linking claims. With this response, the withdrawn claims have been cancelled.

3. Claim Rejections – 35 U.S.C. § 102(b)

A. Claims 37, 39, 41, 45, 58, 62, 63, and 66-69

On page 2 of the Office Action, the Examiner rejected claims 37, 39, 41, 45, 58, 62, 63, and 66-69 under 35 U.S.C. § 102(b) as being clearly anticipated by Anderson (“Anderson,” U.S. Pat. No. 4,832,121) (*i.e.*, figure 1; column 2, line 3; and column 3, lines 42-49).

In order to further prosecution, claim 37 has been amended to incorporate all of the limitations of allowable claim 40 as well as all intervening claims. Accordingly, independent claim 37 and corresponding dependent claims 39, 41, and 45 are believed to be in condition for allowance.

With this amendment, claim 58 has been amended to recite “an intelligent service tool to deliver a gravel slurry to a desired location in a well.” Anderson fails to disclose or suggest such an intelligent service tool. Accordingly, independent claim 58 and corresponding dependent claims 62 and 63 are believed to be in condition for allowance.

Also, with this amendment, claim 66 has been amended to recite “means for delivering a gravel slurry through the service tool.” Anderson fails to disclose or suggest such means. Accordingly, independent claim 66 and corresponding dependent claims 67-69 are believed to be in condition for allowance. Withdrawal of the rejections under 35 U.S.C. § 102(b) and allowance of claims 37, 39, 41, 45, 58, 62, 63, and 66-69 is respectfully requested.

B. Claims 37-39, 41-45, 58, and 62-69

On page 3 of the Office Action, the Examiner rejected claims 37-39, 41-45, 58, and 62-69 under 35 U.S.C. § 102(b) as being clearly anticipated by Quigley et al. (“Quigley,” U.S. Pat. No. 6,004,639) (*i.e.*, figures 1-24; column 1, lines 8-16; column 3, lines 41-67; column 21, lines 26-35, and column 21, line 56 through column 22, line 15).

As stated above, claim 37 has been amended to incorporate all of the limitations of allowable claim 40 as well as all intervening claims. Accordingly, independent claim 37 and corresponding dependent claims 38, 39, and 41-45 are believed to be in condition for allowance.

With this amendment, claim 58 has been amended to recite “an intelligent service tool to deliver a gravel slurry to a desired location in a well.” Quigley fails to disclose or suggest such an intelligent service tool. Accordingly, independent claim 58 and corresponding dependent claims 62-65 are believed to be in condition for allowance.

Also, with this amendment, claim 66 has been amended to recite “means for delivering a gravel slurry through the service tool.” Quigley fails to disclose or suggest such means. Accordingly, independent claim 66 and corresponding dependent claims 67-69 are believed to be in condition for allowance. Withdrawal of the rejections under 35 U.S.C. § 102(b) and allowance of claims 37, 39, 41, 45, 58, 62, 63, and 66-69 is respectfully requested.

4. Claim Rejections – 35 U.S.C. § 102(e)

A. Claims 37-39, 41-43, 45, 58, and 62-69

On page 3 of the Office Action, the Examiner rejected claims 37-39, 41-43, 45, 58, and 62-69 under 35 U.S.C. § 102(e) as being clearly anticipated by Restarick et al. (“Restarick,” U.S. Pat. No. 6,561,278) (*i.e.*, column 6, lines 29-40).

As stated above, claim 37 has been amended to incorporate all of the limitations of allowable claim 40 as well as all intervening claims. Accordingly, independent claim 37 and corresponding dependent claims 38, 39, 41-43, and 45 are believed to be in condition for allowance.

With this amendment, claim 58 has been amended to recite “an intelligent service tool to deliver a gravel slurry to a desired location in a well.” Restarick fails to disclose or suggest such an intelligent service tool. Accordingly, independent claim 58 and corresponding dependent claims 62-65 are believed to be in condition for allowance.

Also, with this amendment, claim 66 has been amended to recite “means for delivering a gravel slurry through the service tool.” Restarick fails to disclose or suggest such means. Accordingly, independent claim 66 and corresponding dependent claims 67-69 are believed to be in condition for allowance. Withdrawal of the rejections under 35 U.S.C. § 102(b) and allowance of claims 37-39, 41-43, 45, 58, and 62-69 is respectfully requested.

5. Claim Rejections – 35 U.S.C. § 103(a)

A. Claims 38, 42, and 64

On page 3 of the Office Action, the Examiner rejected claims 38, 42, and 64 under 35 U.S.C. § 103(a) as being unpatentable over Anderson in view of Bussear et al. (“Bussear,” US 2002/0027004).

As stated above, claim 37 has been amended to incorporate all of the limitations of allowable claim 40 as well as all intervening claims. Accordingly, independent claim 37 and corresponding dependent claim 42 are believed to be in condition for allowance.

With this amendment, claim 58 has been amended to recite “an intelligent service tool to deliver a gravel slurry to a desired location in a well.” Anderson fails to disclose or suggest such an intelligent service tool. Bussear fails to cure this deficiency. Accordingly, independent claim 58 and corresponding dependent claims 62-65 are believed to be in condition for allowance. Withdrawal of the rejections under 35 U.S.C. § 103(a) and allowance of claims 38, 42, and 64 is respectfully requested.

6. Claim Objections/Allowable Subject Matter

A. Claims 40 and 46

On page 4 of the Office Action, the Examiner objected to claims 40 and 46 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 37 and 70 have been rewritten to include all of the limitations of claims 40 and 46, respectively, as well as any intervening claims.

7. New Claims 70-77

New claims 70-77 have been added to provide claims of varying scope. Claim 70 includes all the limitations of allowable claim 46 and all intervening claims. Accordingly, independent claim 70 and dependent claims 71-77 are believed to be in condition for allowance.

8. Conclusion

The Applicants believe that the present application is now in condition for allowance. Favorable consideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

If any extensions of time are needed for timely acceptance of papers submitted herewith, the Applicants hereby petition for such extension under 37 C.F.R. § 1.136 and authorize payment of any such extensions fees to Deposit Account No. 06-1447.

Respectfully submitted,

Date July 7, 2006

By 

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